Jangamanahalli and Hosahalli in Nidagal Hobli, Pavagada taluk from 1953 to 1955 praying for the supply of electricity for lift irrigation;

(*b*) i) how many have deposited the amount; (ii) since how long the money is in deposit; (iii) the amount so deposited; (iv) whether any estimate has been prepared; (v) if so, the cost of the estimate; and (vi) their objections for not sanctioning the same so far?

A.—Sri H. M. CHANNABASAPPA (Minister for Industries).—

(*a*) One.

(*b*) (i) Ninety.

(ii) For the last two years.

(iii) Rs. 3,240.

(iv) No.

(v) Does not arise in view of answer to (iv).

(vi) The cost exceeds the prescribed limit of Rs. 1,000 per H. P.

MYSORE REVISION OF STATE LAWS BILL, 1954.

Motion to consider.

*Sri A. G. RAMACHANDRA RAO (Minister for Law and Education).—Sir, I beg to move:

"That the Mysore Revision of State Laws Bill, 1954, as reported by the Joint Select Committee be taken into consideration."

I will read the report of the Joint Select Committee.

"We the members of the Joint Select Committee, to which the Mysore Revision of State Laws Bill, 1954, was referred, have considered the several clauses of the Bill and have the honour to submit the following report:—

We met six times. We considered in detail the provisions of the several Acts mentioned in the First and Second Schedules.

We have provided that the Short titles of the several Acts which do not indicate that they are Mysore Acts may clearly specify that the Acts in question are Mysore Acts.

We have also provided that in the case of enactments which empower the Government to grant exemptions from certain provisions of the Act, a notification granting such exemption should be laid before the State Legislature and should be subject to such modifications which the Legislature may make. Even in respect of enactments which are not mentioned in the Second Schedule but where such a power of exemption is available to Government, we are of the view that the Legislature should have the right to modify and we have therefore included several such enactments in the Second Schedule.

For sections 19 and 20 of the Mysore Civil Courts Act we have substituted two new clauses relating to the imposition of penalties and the procedure for such imposition in respect of Judicial Officers. This will secure the independence of the Judiciary and at the same time afford the officer concerned safeguards against unjust or arbitrary punishments.

We have also sought to bring several provisions of the Acts referred to in Second Schedule in conformity with the Constitution.

In our opinion the Bill has not been so altered as to require circulation."

I may submit, Sir, that the Committee has very carefully gone through the entire Bill and I thank them for the best co-operation that was accorded. I submit, Sir, that this may be considered by this House.

Mr. SPEAKER.—Motion moved:

"That the Mysore Revision of State Laws Bill, 1954, as reported by the Joint Select Committee be taken into consideration."

*Sri S. SRINIVASA IYENGAR (T.-Narsipur).—Sir, I welcome the Bill. I hasten to congratulate the members of the Select Committee for the work they have turned out. It is a very huge Bill and really they must have had a lot of patience to go through every Act and then propose amendments wherever they are in antagonism to the Constitution of India or any

(SRI S. SRINIVASA IYENGAR.)

other enactments. I wish to place before this House my views on this report.

Sir, in section 2 of the Bill, repeal of certain enactments have been provided. These enactments have been specified in the first schedule. I consider, Sir, that, in addition to these enactments, some more enactments could have been included. They are:

(1) Suits against Government Act, 1923. Sir, the preamble of the Act runs as follows:

> "Whereas it is expedient to provide for suits against Government, His Highness the Maharaja is pleased to enact as follows." Section 2 of the Bill states: "A suit to which the Government of Mysore is a party as a defendant may be heard and determined by the Court having jurisdiction over the subject matter of the suit if the claim in respect of which the suit is brought is for any of the following reliefs."

So the reliefs are mentioned in the section itself. In Bellary such an enactment does not exist. A citizen of Mysore residing in Mysore can sue the Government for any relief, while a citizen in other parts of the State cannot do so, because he is governed by this enactment. I think there is an anomaly and we should have repealed this Act also.

Sir, the Agricultural Banks (Recovery of Government Loans) Act, 1903 is the next.

The preamble runs as follows:

> "Whereas it is expedient to provide for the recovery of loans made by Government to Agricultural Banks registered under the Mysore Companies Act, 1895, in the manner provided in Article 74 of the Articles of Association of such Banks, that is to say, as arrears of; His Highness the Maharaja is pleased to enact as follows:—
>
> Any loan made to an Agricultural Bank by Government, whether before or after the passing of this Act, shall be recoverable from the members of such Bank jointly and severally as an arrear of land revenue."

I think, Sir, that the agricultural banks do not exist now. They were in existence long back and as the Government had advanced loans, they enacted this piece of legislation for the purposes of recovery. Now as such banks do not exist, there is no necessity for the continuation of this enactment.

The third enactment is "The Administrator General of Madras Recognition Act, 1910," an Act to recognise the representative character of the Administrator General of Madras.

This Act, I am told, comes under the legislative competence of the Parliament and there are some other Acts which I am now going to enumerate which also come under the legislative competence of the Parliament. Therefore, I suggest to Government that Parliament may be addressed to repeal these. There is no purpose served in retaining them on the Statute Book as these do not serve any purpose.

One is the Administrator General of Madras Recognition Act, 1910. The others are: (2) The Termination of the Present War (Definition) Act, 1919. (3) The Mysore European British Subjects Reinstatement Act, 1941. (4) The Apprentices Act of 1850.

Sir, for the present, I consider that these enactments have to be repealed.

Coming to section 3, the Committee have undertaken the task of looking into merely 207 or 212 enactments. They have no doubt taken a lot of pains in amending all those enactments to the extent they were considered necessary. In many cases the amendments will give us greater security. Sir, in most of the enactments where the Government had the power to make rules or to issue notifications, even in such cases, a provision has been added in these amendments making incumbent on the part of the Government to allow such notifications or rules to be laid on the table of this House, for a period of thirty days and to amend it

as this House would need. That is a great improvement and it certainly gives us a lot of additional power.

Sir, in the second schedule I notice the "Native Converts Marriage Dissolution Act, 1866." I fail to understand the necessity for this enactment. The amendment is to the effect of repealing the provision by which a fee of two rupees had to be paid for an application. To that extent, it has helped us. But the necessity of this enactment in Mysore State has to be explained by Government.

Sir, in the Civil Courts Act of 1893, section 4 has been deleted; that is, the power of Government to punish the judiciary has been withdrawn. That is in accordance with the Constitution and it is quite welcome. The Select Committee has, no doubt, introduced sections 19 and 20 and they will certainly assure the independence of the Judiciary from the Executive. Arbitrary punishment of the services in the judiciary has been removed. In view of this provision it may not be possible for awarding arbitrary punishment.

Under the Mysore Land Revenue Code, yeomen service has been rendered by the Committee by amending certain sections. Section 24 has been amended and I will just read the section to impress on this House the gravity of that section, the dangerous position to which the people were exposed by virtue of the existence of that section. Section 24 of the Land Revenue Code of 1888 runs as follows:—

> "24. Deputy Commissioner or the Superintendent of Survey, or any officer deputed by the Deputy Commissioner or Superintendent of Survey for this purpose, shall, in all cases in which he may have a claim on any revenue officer or any person formerly employed as such in his district or department for public money or papers or other Government property, by writing under his official seal, if he uses one, and signature, require the money or the particular papers or property detained to be delivered either immediately to the person bearing the said writing, or to such person on such date and at such place as writing may specify.
>
> If the officer or other person as aforesaid shall not discharge the money, or deliver up the papers or property as directed, or fail to assign sufficient cause for non-compliance with the requisition made as aforesaid, the Deputy Commissioner or the Superintendent of Survey may cause him to be apprehended, and may send him with a warrant in the form of Schedule C, to be confined in the Civil jail till he discharges the sums or delivers up the papers or property demanded from him."

I must really thank the Committee for having amended it.

Sir, under section 28 of the Land Revenue Code an Inamdar could approach the Government for the recognition of his right in the land. The Committee have omitted the clauses pertaining to that. Hereafter no right will be conferred on any inamdar in respect of the minerals found in the earth. Necessary changes have been made and beneficial changes too, in respect of section 119-A and 119-B.

Section 163 of the Land Revenue Code runs as follows:—

> "After at any time arrears becomes due . . and after a written notice of demand under section 158 has been served without effect, if the Deputy Commissioner shall have reason to believe that the defaulter is wilfully withholding payment of the arrears or has been guilty of fraudulent conduct in order to evade payment, it shall be lawful for him to arrest and detain the defaulter in custody for ten days in the office of the Deputy Commissioner or of an Amildar or Deputy Amildar, unless the Revenue due, together with the penalty or interest and the costs of arrest and of notice of demand, if any, have issued, and the cost of his subsistence during detention is sooner paid,"

Thank God, the Committee has omitted this section also.

(SRI S. SRINIVASA IYENGAR.)

Sir, under the Police Act of 1908, I fail to understand how this new section 77-A can be inserted. The Government will please enlighten me on this issue.

Section 77 of the Mysore Police Act under Chapter VII Miscellaneous reads as follows:—

"77. All sums paid for the service of process by Police officers and all rewards, forfeiture and penalties or shares thereof which are by law payable to Police officers or are awarded to them by Magistrates or granted by Officers of Government or others shall, except as hereinafter in this section provided, be credited to Government. Provided that, with the sanction of Government or under any rule made by Government in that behalf, the whole or any portion of any such reward, forfeiture or penalty may, for special services, be paid to Police officers or other persons."

New section 77-A as proposed by the Select Committee reads as follows:—

"Accused not to be detained in custody for longer period than twenty-four hours without special authority:—

Any person arrested under this Act shall be informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate; and no such persons shall be detained in custody beyond the said period without the authority of a Magistrate."

I am not in a position to understand why this 77-A has been introduced.

Under the Tank Panchayet Act, 1911, you will be pleased to observe that section 16 under this Act has been omitted. Section 16 of the Tank Panchayet Act relates to the empowering of certain powers to the Tank Panchayet for the execution of certain works in respect of Minor tanks. The section reads as follows:—

"16 (1) When the restoration of a minor tank has been sanctioned under Act XV of 1923, a Tank Panchayet or a Village Panchayet empowered under Section 23 of the Village Panchayet Act, 1926, may undertake the execution of the said restoration, under the rules framed by the Government in this behalf.

(2) A Tank Panchayet or a Village Panchayet empowered under section 23 of the Village Panchayet Act, 1926, shall be bound to execute the work undertaken by it under sub-section (1) within the time and according to the specification and constructive details as may be prescribed in this behalf."

This section has been deleted. But the consequential changes in other sections have not been made. I do not know whether it would be necessary to retain the mention of section 16 and other sections. I would request the Government to kindly enlighten me on that issue. When section 16 itself—by means of which the Government can empower the panchayet for the restoration of tanks stands repealed, I would like to know why the mention of other sections should be retained. If the deletion of this section is found necessary the other relative sections could as well stand repealed.

It is certainly heartening to see that section 9 of the Prevention of Juvenile Smoking Act, 1911, has been deleted. Whipping represented the old method of punishing the juveniles. It is a very good thing they have repealed it.

Sir, the Mysore Village Courts Act, 1913 has been retained. I would like to know whether there is any Court operating in the State of Mysore in accordance with the provisions of this Act.

Under the Mysore Betting Tax Act, 1932, the Bill seeks to delete Sections 12, 13 and 14. Section 12 relates to the amendment of section 4 of the Mysore Police Act of 1908; section 13 relates to the amendment of section 63

of the Police Act and section 14 relates to explanation 2 of section 63 of the said Act.

Sri A. G. RAMACHANDRA RAO.— What is the difficulty in that Act ?

Sri S. SRINIVASA IYENGAR.—The difficulty is, the Select Committee have recommended that sections 12, 13 and 14 might be deleted. These sections deal with certain specific subjects. I do not know whether provision has been made for them somewhere else.

Under the Mysore Amusements Taxes Act, 1932, under the para 'Exemptions' in sub-section (2) of section 8 we have this provision :

> " The Government may by a general or special order exempt any entertainment or class of entertainments from liability to the entertainment tax."

The Select Committee recommends that this sub-section (2) may be omitted. It is true that in sub-section (1) of section 8, every possible item has been brought in. Sub-section (1) of section 8, reads as follows:

> " The entertainments tax shall not be charged on payments for admission to any entertainment where the Government are satisfied (*a*) that the whole of the takings thereof are devoted to philanthropic, religious or charitable purposes without any charge on the takings. . . . .

Like this, there are several paras in sub-section (1) of section 8 of the Mysore Amusements Tax Act, 1932. The framers of that Act had also something in mind in providing sub-section (2). Sub-section (2) reads as I have already quoted. I would like to know what prompted the Select Committee to delete the sub-section.

In the Suppression of Immoral Traffic Act, 1936, section 8 reads as follows :

> " When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of section 6, the Police Officer carrying out the removal shall, until such girl can be brought before a Magistrate, cause her to be detained in the rescue home provided, aided or recognised by the Government or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Government, provided however, that such custody shall not be that of a person or a body of a different religious persuasion from that of the girl."

That was quite understandable. The Select Committee recommends that that Section might be replaced by the following :—

> " *Intermediate custody of girl removed from brothel, etc.*—When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of Section 6, the Police Officer carrying out the removal shall inform her as soon as may be, of the grounds for such removal and produce her or cause her to be produced before the nearest Magistrate within a period of twenty-four hours of such removal, excluding the time necessary for the journey from the place of removal to the Court of the Magistrate. In no case shall the girl be detained in custody beyond the said period without the authority of a Magistrate. On such production, the Magistrate shall direct her to be detained in a rescue home or in such other suitable custody (other than a Police Station or Jail) as may be prescribed in this behalf by the State Government until she can be brought before the Court under Section 7, provided, however, that such custody shall not be that of a person or a body of different religious persuasion from that of the girl."

So here it provides that the Police Officer cannot detain a girl for more than 24 hours. Even in that period where she should be placed, is not quite clear. The new Section might be quite sufficient. I do not command much knowledge about legal affairs, but I

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would like to know whether the provision is enough in respect of the place where such a girl should be placed.

Sri A. G. RAMACHANDRA RAO.— As may be prescribed by rules. Not in police custody. It fully provides for the safety of the girl.

Sri S. SRINIVASA IYENGAR.— Under the Mysore Public Health Act, 1944, a very welcome change has been made and that is in omitting Section 117. Because, under that provision, the local authority had the power to levy a pilgrim tax. Now that has been repealed. It is a very welcome change.

This Bill is really a very huge Bill and with the best of efforts it may not be possible for any one to go through all the enactments with patience. That is why at the outset I said I congratulate the Committee for having really taken the trouble of drafting the Bill. I welcome the Bill.

***Sri B. NARAYANASWAMY** (Mysore City—South).—Mr. Speaker, Sir, the Joint Select Committee have taken a good deal of trouble to go into several enactments. My friend Sri Srinivasa Iyengar has even calculated the number of the enactments that the Joint Select Committee have gone into, which will come up to nearly 210 enactments. Sri Srinivasa Iyengar has traversed over a number of enactments and thrown out suggestions. I will confine my remarks to the Mysore Civil Courts Act, 1883, which is now sought to be amended by the Joint Select Committee. They have said in the Report that this Mysore Civil Courts Act is amended in order to secure the independence of the Judiciary and at the same time afford the officer concerned safeguards against unjust or arbitrary punishments. As a matter of fact, in the other enactments there have been some verbal changes here and there, some additions and alterations and substitutions put in conformity with the Constitution. In the Mysore Civil Courts Act, sections 19 and 20 are amended. Before I refer to that, I would like to get a clarification from the Hon'ble Law Minister why Section 4—clause (*c*) is omitted. Because under the existing Act, under Section 4—clause (*c*) the appointment of Judges to Civil Courts will be by Government. But now no doubt, the appointment of Munsiff is made under the rules that have now been prescribed and is entrusted to the Public Service Commission and the final appointment is made by Government. Regarding the other Judicial officers like the District Judge, the Subordinate Judge and other Judges, if clause (*c*) is omitted, who will be the authority that will appoint these officers I would like to know.

Sri A. G. RAMACHANDRA RAO.— The Constitution provides for it.

Sri B. NARAYANASWAMY.— Secondly, it is really very good that the Select Committee have amended sections 19 and 20 and substituted new clauses, wherein they have provided for the imposition of penalties to judicial officers. While so providing, they have given powers to the High Court as censure, withholding of increments or promotion and suspension from service—these are the three categories of punishment that the High Court on their own initiative can inflict or impose.

> "(b) An appeal shall lie to the Rajpramukh against an order of the High Court under clause (*a*) within such time as may be prescribed by rules made by the Government and the Rajpramukh may pass such orders on such appeal as he deems fit."

I thought that in the maintenance of the independence of the Judiciary, the hand of Government would be invisible. Here in section 19 in clause (*b*) I see the visible hand of Government because the rules have to be prescribed by Government and the Rajpramukh may pass such orders on such appeal as he deems fit. The Select Committee could have said that the rules may be prescribed by the Rajpramukh. Thirdly, it is our intention and it is our desire to see as far as possible that the Judiciary is kept independent and that there is no executive interference in the matter and as such it would have been better if in an enactment like this the rules to be provided were to be prescribed by the Rajpramukh and not by the Government.

Fourthly, in all the other enactments it would be seen that the several rules, or orders or notifications which are made by the Government or by the Rajpramukh will be laid on the Table of the House. But here I find that laying the rules made by the Government and the Rajpramukh before the Legislature is not provided for and the object of laying the notifications or rules or orders before this House is to give an opportunity to the Hon'ble Members of this House to make any modifications or alterations. Then only it will have the force of law. That too, after 1950 after the Constitution has come into play, we have as far as possible tried to introduce this provision in all enactments. For instance, in the Mysore Motor Vehicles Taxation and Tolls Act, 1951, the Mysore Lotteries and Prize Competitions Control and Tax Act, 1951, The Mysore House Rent and Accommodation Control Act, 1951 and in many other enactments you have introduced a new provision whereas in the Mysore Civil Courts Act, no such provision has been made. It is very necessary that the rules or notifications should be laid before the House of Legislature and necessary provisions should be made on the following lines :—

> " Every Notification under section so and so shall be laid as soon as may be after it is used before either House of the State Legislature while it is in session for a total period of one month which may be comprised in one session or in two or more sessions and before the expiry of the said period, either House of the State Legislature makes any modification in the notification or directs that the notification should not have effect, the notification shall thereafter have effect only in such modified form or be of no effect, as the case may be."

I do not know why the Joint Select Committee did not think of providing such a provision.

Under Section 19 (2) penalties are given. Section (19) (2) says :—

> "(2) The Rajpramukh may, on the recommendation of the High Court of Mysore impose upon the Members of the Judicial services of the State of the following penalties, namely. . . ."

Item (iii) provides for a penalty which does not disqualify from future employment. Item (iv) provides for dismissal which disqualifies from future employment. May I know from the Hon'ble the Law Minister under which category does a member of the Judicial Service will not become disqualified from future employment ? There should be some sort of an illustration. For instance, a member of Judicial Service may become permanently invalid or some such thing whereby he may be disqualified from future employment. So, these things should be amplified or illustrated in what cases a member of the judicial service will not be disqualified from future employment and in which case he will be disqualified from future employment.

Sir, under Section 19 (3), a Member of the Judicial services may be placed under suspension from service by the High Court of Mysore pending enquiry into any misconduct where such suspension is, in the opinion of the High Court, necessary in the public interest. Section 20 provides for the procedure for infliction of punishment. Section 20 (1) says :—

> "(1) Where it is proposed to impose on a member of the judicial services any of the penalties specified in sub-clause (i) and (ii) of clause (*a*) of sub-section (1) of Section 19 such member shall be given a reasonable opportunity of making a representation, and such representation, if any, shall be taken into consideration before orders imposing a penalty are passed."

Does this representation mean that it will be personally heard or merely sending a representation would be enough for the High Court to consider before orders are passed ?

Sub-section (2) says —

> " Where it is proposed to impose on a member of the judicial

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services any of the penalties specified in sub-clause (iii) of clause (*a*) of sub-section (1) of section 19 or clauses (i), (ii), (iii) and (iv) of sub-section (2) of section 19, the High Court may either itself enquire into the case or appoint a Commission for enquiring thereinto and the enquiry shall be held in accordance with such procedure as the High Court shall by rules prescribe."

Here again we come to the rules. The Government or the Rajpramukh may prepare the rules. But the 'High Court' is going to prepare the rules. I do not know what was in the minds of the members of the Select Committee to put in the word 'High Court' instead of 'Rajpramukh.' No provision is made here for the rules being placed before the Legislature. My contention is that all these rules that are framed by the Government or by the Rajpramukh ought to be placed before the House. Secondly, when the High Court had been given power to suspend a member from the judicial service pending enquiry, to say that either the High Court may itself enquire into the case or appoint a Commission for enquiring thereinto would appear very strange. Sub-section (2) further says:

"On the completion of the enquiry held by itself or on receiving the report of the Commission appointed to conduct an enquiry, the High Court may,—

(*a*) impose the penalty specified in sub-clause (iii) of clause (*a*) of sub-section (1) of section 19; or

(*b*) recommend to the Rajpramukh the imposition of any of the penalties specified in clause (i), (ii), (iii) or (iv) of sub-section (2) of section 19."

Sir, here is a fact that the judicial officer has not been given an opportunity to make a representation to the Rajpramukh. It is on the recommendation of the High Court that the Rajpramukh passes final orders and in case a judicial officer wants to represent to the Rajpramukh, it would be appropriate to make a provision for giving an opportunity to the judicial officer who is affected to make a representation to the Rajpramukh because you have provided for representation being made to the High Court or to the Rajpramukh when he goes on appeal. Where the High Court makes any recommendation to the Rajpramukh for the imposition of any of the penalties, the affected judicial officer should be given the opportunity to make representation to the Rajpramukh to hear his case but the Members of the Select Committee somehow thought it not fit to include this provision. Sir, it is only on these matters that I wanted to place my views before this House and I request the Hon'ble the Law Minister to kindly consider the suggestions now placed before him.

Sri T. MARIAPPA (Mysore City—North).—Sir, I join Sri Srinivasa Iyengar in congratulating the Members of the Joint Select Committee in producing a very good report and in making necessary revision of the State Laws. Sir, this revision comes not a day too soon. Perhaps during the period of war and particularly after the advent of freedom many Acts have been placed on the Statute Book. While placing them on the Statute Book, perhaps we had not had the necessary time to compare the previous Acts, their validity or whether they were obsolete. And after the extension of the Central Acts after the integration of Mysore into the Indian Union, real responsibility was cast on the State Government to look into all the enactments that were on the Statute Book to find out whether they were in consonance with the constitutional provisions or of later Acts and how far they could be reconciled or amended to be in consonance with the constitutional provisions. Another factor had also to be taken into consideration, namely, to bring these State laws up-to-date. Therefore, it necessarily involved a very laborious task. In addition to paying compliment to the Members of the Select Committee, I would like to make an appreciative mention of all those who were responsible for preparing the draft. Sir, I know how difficult it is to amend

all the Acts that were in force in Mysore. It is not merely a laborious process but a process which would cause a lot of headache particularly to the members of this House who have had to deal with so many amending Bills. It was evident that even in drafting the amendments, a number of mistakes had been committed and they were pointed out on the floor of this House. While such were the cases, in this case, it must be said that they have taken very great pains in seeing that even the amendments proposed will be accepted by the House. Sir, I heard the very good speech of Sri Srinivasa Iyengar who has become a very studious student; he would not be able to point any glaring mistakes. Another welcome feature is this: they have provided for laying on the Table of the House certain rules to be framed under the several enactments. Even in the case of granting exemptions, Sir, they have taken care to see that it is brought to the notice of the House by laying the notification on the Table of the House.

2 P.M.

These are indeed very valuable to the members of this House, for the House will be enabled to suggest any amendment or modification if need be. With these few words, I beg to support this measure.

Sri R. ANANTARAMAN (Chamarajpet).—Mr. Speaker, Sir, I join with my Hon'ble colleagues who have already paid a high tribute to the members of the Select Committee who have given us such a fine report. The Hon'ble Sri T. Mariappa was pleased to say that many of the old Acts were not in consonance with the Constitution of India. In fact many writ petitions were filed after the passing of the Constitution of India regarding the validity or the invalidity of the old Acts. Our Government took a hint from those Writ petitions and appointed an Additional Law Secretary to revise all these State laws and a separate department was also created for this purpose. No sooner he was appointed, than a Bill was introduced in this House which was referred to the Select Committee and the Select Committee have taken a lot of pains to go through all the old laws and also the present laws and see that certain changes are effected. In fact it is stated in the report that they "have also provided that in the case of enactments which empower the Government to grant exemptions from certain provisions of the Act, a notification granting such exemption should be laid before the State Legislature and should be subject to such modifications which the Legislature may make." In this connection, I may suggest that it is better that all these notifications are placed at one time instead of placing them year after year. It will be very inconvenient for the people and specially for the lawyers. So I request that Government will take suitable action to see that whatever they are going to exempt, they will place before this Legislature so that it will be easy for us to consider all these things at one time instead of putting these exemptions year after year.

Another thing I wish to know in this connection is, what are the exemptions they are going to make from certain provisions of the Act of Exemptions. In fact many of us do not know what Government contemplate. It is better they take a decision as early as possible.

Another thing that the report has stated is: "For sections 19 and 20 of the Mysore Civil Courts Act, we have substituted two new clauses relating to the imposition of penalties and the procedure for such imposition in respect of judicial officers." I do not know how far it separates. "This will secure the independence of the judiciary and at the same time afford the officer concerned safeguards against unjust or arbitrary punishments." No doubt, the amendment is really very good. It will certainly help the judicial officers. But I wish to know whether the appeal will only lie to the Rajpramukh. Then all the concerned papers will have to go through the Government. Then will the judicial officer be independent of the executive? Supposing it is straightaway sent from the High Court to the Rajpramukh; it is all right. Supposing

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t is sent through the Government and the Rajpramukh only signs on behalf of the Government; then the judicial officer will not be independent. Even then penalties may be levied against the judicial officer, such as censure, withholding of increments or promotion, etc. I think they have not correctly stated that they secure the independence of the Judiciary from the Executive. I wish they had thought over the subject and made certain effective amendments on that.

Anyhow, the report is really very good. I had some time to go through that. There are many Acts that have been revised. I am sure this will help the people of Mysore to a great extent. With these few words, I close my remarks.

*Sri A. G. RAMACHANDRA RAO Sir, I warmly congratulate our Engineer member Sri Srinivasa Iyengar for deeply delving into this matter, which I expected only lawyer members of this House to do.

Mr. SPEAKER.—People of one profession are always keen to know the details of other professions.

Sri A. G. RAMACHANDRA RAO.—He and other members have expressed their opinions on certain aspects of the question. I believe, Sir, after the answer I will give for some of those points raised, they will feel that those aspects as well as other aspects were gone into by the Committee and as a result of careful deliberations the amendments they have sought have been introduced. I may at the outset state that, as expressed in the Objects and Reasons of the Sections as well as in the preamble, the purview of the Act is limited to one or two things. Whether and how far the existing Acts are in conformity with the Constitution of India and how they have got to be amended are the points. As the Hon'ble Members know, a large number of Acts have been extended to the Mysore State also. These have been very carefully gone through.

I must at this stage refer also to the very hard work done by the staff. I am glad that the House has appreciated the work of the staff. In fact, I should have mentioned it earlier. There was some omission and I want to hasten to make up for that omission. It is in fact due to their hard work that the Select Committee could apply their minds and much of the credit goes to the staff.

Well, as stated just at present, with this purview—how far it is in conformity with the Constitution of India and how far it is in conformity with the Acts of India—with these two contexts either how far it conforms to democratic rule and how far they stand justified by the latest canons of jurisprudence, the Committee have gone into the question. Take, for example, the Repeal of Whipping. It has become archaic and we have adopted the same by substitution of the same.

Regarding the independence of the Judiciary, the protection we have given to the judiciary which was not available before could be easily seen. That is very necessary. Under democratic rule, judiciary should be kept as independent as possible and that object has been attained. So, with these factors before our mind, we have tried to revise the Acts and make them up-to-date. I may also state, if I remember aright, that this is the first State which is trying to bring its State laws in conformity with the Constitution and latest canons of jurisprudence. Therefore this House could very well congratulate itself on having brought up this legislation and passed it.

Now I shall try to answer a few of the points raised by my Hon'ble friends. In the Betting Tax Act, sections 12, 13 and 14 have amended the provisions of the Mysore Police Act, 1908. These amendments have been carried out in the amended Police Act and the retention of the three sections in the Betting Tax Act is unnecessary and hence have been omitted. In the Mysore Amusements Tax Act, 1932, we have omitted sub-section (2) of section 8. The Select Committee have provided that wherever Government had the power to give exemptions such exemption should be

laid before the State Legislature and should be subject to such modifications which the Legislature may make. As far as possible we tried to remove arbitrariness in the Acts of Government. Regarding the Suppression of Immoral Traffic Act, my Hon'ble friend took us to Section 8. The rules will be prescribed and we have tried to give as much safety and security to the girl as possible and at the same time prevent abuse of power. That was in the background of our mind. Regarding the Civil Courts Act, it could be seen that the provisions contained in Sections 19 and 20 of the new Act safely safeguard the Judiciary. Regarding the Judges of the High Court, the Constitution itself protects. Regarding the other judges subordinate to the High Court, appointments are made under the provisions of the Constitution as well as the rules passed by this Government for recruitment of the judiciary. Regarding punishments, we have divided the same into two categories—one that can be inflicted by the High Court and the other by the Rajpramukh. In both the cases adequate provision has been made for due representation by the person against whom proceedings have been taken up. In principle we have said that a commission will enquire into the case in accordance with such procedure for which rules will be framed.

One point made was that the Rajpramukh should not have had so much powers. I may here state that the Rajpramukh is the guardian of the Constitution in so far as the State functions are concerned and we cannot look to any other agency for finalising on this matter and to conceive that there is an invisible hand behind the Rajpramukh who is the guardian of the Constitution, I believe, is far fetched. I am of the conviction that we have got to trust the Rajpramukh and we have got to leave final powers in his hand, and if there should be abuse, I am sure there are lawyers here as elsewhere who can find out a remedy. Thus, while there was not adequate protection for the Judiciary before while the hand of the Government was also there in the punishment, we have armed it as it were and we have given full protection to the Judiciary.

That is my submission regarding these Civil Courts, Sir.

Sri Narayanaswamy suggested that the rules prescribed by the High Court should be placed on the Table, but I do not know how far it would be possible for me to place a copy, under the present circumstances.

Sri B. NARAYANASWAMY.—Government have agreed to place a copy of the rules on the Table of the House, Sir.

Sri A. G. RAMACHANDRA RAO.—In respect of the discipline of the Judiciary, it has been stated that the High Court shall by rules prescribed impose penalties. That is what is stated under sub-section (3) of section 19. In order to enjoy full independence both from the executive as well as from the Legislature, why should they not be given powers to frame the rules? It is they who dispense justice to all of us. It is better to entrust them to dispense the justice to the judiciary, especially, when final powers are vested in the Rajpramukh who is the guardian of the Constitution. It is just possible there might be many new points, but how could we consider them when there were no specific suggestions for us to consider them in detail. I have only stated that we have taken the relevant provisions and the view points expressed by the Hon'ble Members and I have come to the conclusion that the rules as framed are the best under the circumstances. If you have got anything more to ask, you can ask.

Sri B. NARAYANASWAMY.—You have provided under sub-section (2) of section 20—

> 20 (2) "... . the High Court may either itself enquire into the case or appoint a Commission for enquiring thereinto and the enquiry shall be held in accordance with such procedure as the High Court shall by rules prescribe."

My contention is, instead of the word 'High Court' the word 'Rajpramukh' would have been better. Because the High Court sits there to recommend to

(SRI R. NARAYANASWAMY.)

the Rajpramukh for inflicting punishment.

Sri A. G. RAMACHANDRA RAO.— Sir, as I said, there are two categories of penalties. The first category consists of censure and withholding of increments, promotions and suspension; and in the second category, the Rajpramukh would have powers to deal with them under sub-section (2) of section 19 of the Bill, where it is proposed to impose on a member of the judicial services any of the penalties specified in sub clauses (i) and (ii) of clause (*a*) of sub-section (1) of section 19. Sub-clauses (i) (ii), (iii) and (iv) of Section (2) of Section 19 run as iollows :—

> "(2) The Rajpramukh may, on the recommendation of the High Court of Mysore, impose upon the members of the judicial services of the State, the foilowing penalties, namely :—
>
> (i) reduction to a lower rank in the seniority list, or to a lower post, or time scale in the judicial services or to a lower stage in a time scale;
>
> (ii) compulsory retirement otherwise than under Article 294 of the Mysore Services Regulations or sub-rule (ii) of Rule 2 of the Revised Pension Rules in Appendix A to the Mysore Services Regulations;
>
> (iii) removal from the judicial services which does not disqualify from future employment;
>
> (iv) dismissal from the judicial services which disqualifies from future employment."

It is only a recommendation that the High Court or a Commission can make for imposing penalty. Finally it is the Rajpramukh that would decide. Therefore under the circumstances, the best possible thing has been envisaged in that Bill.

Sri B. NARAYANASWAMY.—Under the amended provision it is prescribed that the Rajpramukh is the authority to punish or impose punishment on the judicial officers. It is the High Court which recommends to the Rajpramukh for inflicting punishment upon the officers. As such, the Rajpramukh should be the proper authority to frame the rules and not the High Court. Because under section 19 clause (*b*) " an appeal can lie to the Rajpramukh against the order of the High Court under clause (*a*) within such time by rules made by the Government and the Rajpramukh can pass such order on such recommendations as he deems fit." Therefore the rule framing authority is the Government. Here you want to make the High Court a recommendatory body for punishment that comes in clause (2) as the rule framing body. I want that the authority who has got the final powers to impose punishment to be made the authority to frame the rules in the High Court.

Sri A. G. RAMACHANDRA RAO.— The High Court is the authority responsible for the proper maintenance of the Judiciary and the High Court itself is not subordinate to the Rajpramukh. The Judges are absolutely independent and they are subordinate to the Supreme Court; and it is their responsibility to see that the Judiciary properly works. Therefore there is no wrong in the High Court prescribing proper rules for the regulation of the subordinate judiciary, both in respect of the administration as well as in respect of the discipline to be maintained. Therefore, I believe, Sir, that it is for this main reason that the High Court is empowered to frame the rules. In the absence of any amendments, no further consideration could be given to this aspect of the question at present.

Finally, I thank all the Hon'ble Members for the warm welcome they have given to this Bill and in passing this legislation. I may state for the information of Sri S. Srinivasa Iyengar that there are many obsolete Acts which have not been implemented at all for which there is no necessity. For instance, the Village Munsiffs Act. This Act is on the Statute Book and probably it has not been implemented at any time. And there are such other enactments also which have not been given effect to. It was within

the purview of the Revision of State Laws to go into that matter and Government have taken note of that also to remove from the Statute Book such obsolete laws and bring a separate legislation for that. With this assurance, I hope, the House will give its warm approval to this question.

Mr. SPEAKER.—The question is:

"That the Mysore Revision of State Laws Bill, 1954 as reported by the Joint Select Committee be taken into consideration."

The motion was adopted.

Mr. SPEAKER.—Clauses 2 and 3.

The question is:

"That Clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Mr. SPEAKER.—Schedules I and II.

The question is:

"That Schedules I and II stand part of the Bill."

The motion was adopted.

Schedules I and II were added to the Bill.

Mr. SPEAKER.—Clause 1, Title, Preamble and Clause 1.

The question is:

"That Clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass.

Sri A. G. RAMACHANDRA RAO.—I beg to move:

"That the Mysore Revision of State Laws Bill, 1954, as reported by the Joint Select Committee be passed."

Mr. SPEAKER.—The question is:

"That the Mysore Revision of State Laws Bill, 1954, as reported by the Joint Select Committee be passed."

The motion was adopted.

MYSORE CITY AND TOWN MUNICIPALITIES (AMENDMENT) BILL, 1955.

Motion to consider.

Mr. SPEAKER.—Now the Mysore City and Town Municipalities (Amendment) Bill, 1955.

Sri T. CHANNIAH (Minister for Public Health and Local Self-Government).—Sir, I beg to move that:

"The Mysore City and Town Municipalities (Amendment) Bill, 1955, be taken into consideration."

Sir, section 15 of the Mysore City Municipalities Act and Section 17 of the Town Municipalities Act lay down that Councillors elected at a general election or appointed under those Acts shall, hold office for a term of four years. The term is extensible by order of the Government to a term not exceeding in the aggregate five years. At present there is no provision in the two Acts to extend the term of a Municipal Council beyond five years. Where general elections cannot be held before the expiry of the term of office of the Municipal Councillors, it will be necessary to entrust the work of administering the Municipality to some other authority until the Municipal Council is reconstituted. Therefore Sir, it is necessary that the City and Town Municipalities Act should be amended so as to take power to appoint a Special Officer to exercise the powers, discharge the duties and perform the functions of the Municipal Council and its President. It may not be out of place to mention that there is a similar provision in the District Boards and Village Panchayats Act according to which Government have power to appoint a Special Officer to exercise the powers, discharge the duties and perform the functions of such District Board and its President. This is not a new measure which we have placed before you. It is proposed to fix the term of